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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,571	02/11/2002	Bart Dahneke	971-150	5124
7590	11/08/2005		EXAMINER	
Michael T. Sanderson, Esq. King & Schickli, PLLC 247 North Broadway Lexington, KY 40507			CHEN, ALAN S	
			ART UNIT	PAPER NUMBER
			2182	

DATE MAILED: 11/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/073,571	DAHNEKE ET AL.	
	Examiner Alan S. Chen	Art Unit 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 September 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-9 and 12-26 is/are rejected.
 7) Claim(s) 10 and 11 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 26 April 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/01/2005 has been entered.

Response to Arguments

2. Applicant's arguments, see pg. 8-10 of remarks, filed 09/01/2005, with respect to the 35 U.S.C. 112 rejection have been fully considered and are persuasive. The 35 U.S.C. 112 rejection of claims 1-26 has been withdrawn. Enough support was shown the specification to deem "end of persistence" to mean rebooting, login, elapsed time and so forth.
3. Applicant's arguments with respect to the prior art rejection of claims 1-9 and 12-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-9, 12-26 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pat.

Pub. No. 2002/0174206 to Moyer et al. (Moyer).

Art Unit: 2182

6. Per claims 1 and 21 Moyer discloses a method for maintaining a computing device (Fig. 3A shows being able to transfer information from a peripheral device, Fig. 2A, element 202 to a computing device, Fig. 2A, element 204, comprising the acts of: receiving an indication of an end of persistence for a peripheral device (Moyer deals with the automatic connection and disconnection of a peripheral device, element 202, to/from a client computer, element 204, such that once the peripheral finishes transferring information, the peripheral device driver can automatically be removed from the client machine; paragraph 26, "...the device driver may be deleted from a client computer after the consumer has completed the retrieval, upload or removal...the deletion may occur automatically at the end of the process...") regardless of whether the peripheral device is connected to the computing device (it does not matter if the peripheral device is connected or not, e.g., the peripheral device can be logically connected, once transfer is complete, the driver is removed and the peripheral device is still physically connected to the client; also note, due to the broad nature of the claim language, the "wireless" nature of the peripheral device, paragraph 41, is clearly not physically connected to the client and thus would read on this limitation.); monitoring for an event/indication related to the end of persistence (paragraph 26, the event is clearly when the consumer has finished transferring the data, e.g., digital images, thus inherently there will be monitoring of data transfer completion) and by the computing device, fully automatically removing support information associated with the peripheral device based on detection of the event related to the end of persistence (paragraph 92, "...peripheral device driver 214 may be deleted without requiring the user to manually perform an uninstall operation").

Art Unit: 2182

7. Per claims 17, 18, 20 and 21, Moyer discloses a computer readable medium (Fig. 2A, element 204 inherently has storage medium for device drivers, Fig. 2, element 224 shows the peripheral drivers in a storage medium), computing device (Fig. 2A, element 204), and system (Fig. 2A) that comprise and has embodied the limitations of claim 1.

8. Per claims 2-4 and 19, Moyer discloses claims 1 and 18, Moyer further disclosing the storage of an indicator of the end of persistence (note, due to the breath of the claimed “indicator”, anything that associates/relates to the end of persistence reads upon this claim. Moyer discloses, paragraph 92, the windows registry storing DLLs, indicating the presence/absence of the device. This clearly serves as an “indicator” of the end of persistence, since once the driver is automatically removed by the client due to finishing transfer of data between the peripheral and the client, the absence of the DLLs from the registry will indicate the peripheral device has been removed based on data having finished transferring). Note that the windows registry is by definition a “database” of installed devices.

9. Per claims 5-7, Moyer discloses claim 1, wherein client computer determines when the peripheral device has finished downloading (paragraph 26), it is inherent that the Microsoft OS (paragraph 92) uses threads as typical with all operating systems executing processes in detecting the end of a transfer process. The client computer must be booted up initially before the OS can monitor for any event or execute any thread.

10. Per claims 8-9, 12-16, Moyer discloses claim 7, further disclosing the peripheral device being attached to a port (Fig. 2A, element 206) whether physically over cable or wirelessly (paragraph 41) requiring the Microsoft OS to identify this physical location in order to communicate with it (Fig. 3C, element 310). Data on the peripheral device is detected and

transferred (Fig. 3C, element 316) after the peripheral device driver has been installed (Fig. 3C). Moyer discloses the driver/support information being retrieve over a network (Fig. 2C, element 108) from a database (Fig. 2C, element 224), which inherently requires network access commands. The interface to the network is via HTTP (Fig. 2A, element 104) using a browser application (Fig. 2A, element 100). Finally, the driver is installed (Fig. 3C, element 314). Note, it is inherent Microsoft OS utilizes the most updated support information, where if a driver is older than what is already on the client computer, the Microsoft OS will ask if the user desires to replace the new driver with the old driver. This has been the case since *at least* the Windows 95 OS.

11. Per claims 22-26, Moyer discloses claim 21, Moyer further discloses automatically deleting the device driver (paragraph 26), involves waiting, e.g., a volatile temporal component where the client computer must wait for a certain period of time based on the amount of data that needs to be transferred, until the transfer process is complete. End of persistence is thus reached when the client computer assesses the transfer process is complete after a certain duration of time. Moreover, Moyer discloses being able to delete the peripheral driver, e.g., setting whether to delete or keep the driver (paragraph 91, "...applet may provide the user with an option of uninstalling (removing) the peripheral device driver..."). Applets are by definition plug-ins to browsers, usually requiring JAVA for browsers as Moyer is using. The option of deleting the driver can clearly be given anytime prior to the completion of the download based on when the user consciously makes the decision that he/she will not need the connection to the client device anymore.

Allowable Subject Matter

12. Claims 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. The following is the statement of reasons for the indication of allowable subject matter: The prior art disclosed by the applicant and cited by the Examiner fail to teach or suggest, alone or in combination, *all* the limitations of the independent and corresponding dependent claim(s) (claims 1, 7 and 8), particularly where the peripheral device is a printer utilizing the Internet Printing Protocol. Moyer desires to transfer information from a peripheral storage device for digital storage would not be entirely obvious to have the peripheral storage device being a printer device.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Patents and patent related publications are cited in Form PTO-892 attached to this action to further show the state of the art with respect to removal of support information, particularly drivers based on detecting an event.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan S. Chen whose telephone number is 571-272-4143. The examiner can normally be reached on M-F 8:30am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim N. Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2182

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ASC
11/02/2005



KIM HUYNH
PRIMARY EXAMINER